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OFFICE OF PETITIONS

In re Application of
Thomas Eyhorn
Application No. 10/775,463
Filed: February 10, 2004
Attorney Docket No. WAS 0618 PUS

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 5, 2005, to revive the above-identified application.

On June 28, 2004, petitioner expressly abandoned the above-identified application pursuant to 37 CFR 1.138. On July 20, 2004, the Office mailed a Notice of Abandonment, stating that the application was abandoned in view of the letter of express abandonment signed by an attorney of record. On December 20, 2004, petitioner filed a petition under 37 CFR 1.137(b). In a letter dated April 22, 2005, the Office stated that the petition was not treated on the merits because the petition fee was insufficient. On May 4, 2005, petitioner filed a petition under 37 CFR 1.137(b) and the amount due for the petition fee. On June 22, 2005, the Office dismissed the petition. In the decision, the Office advised petitioner upon filing a renewed petition, petitioner should include a thorough explanation as to why petitioner's attorney's mistake in filing an Express Abandonment could reasonably be considered unintentional.

After a careful review of the arguments presented by petitioner in the present renewed petition, the Office has determined that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. Accordingly, the petition is **granted**.

This matter is being referred to the Office of Initial Patent Examination to restore the above-identified application to pending status.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

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